



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET #SC2004-0003**

March 9, 2004

Virginia Kennedy  
40 Highland Avenue  
Hampton, New Hampshire 03842

**RE: Wetlands Bureau Complaint File #2003-15, Kennedy, 40 Highland Avenue, Hampton Tax Map 274 / Lot 53.**

Dear Ms. Kennedy:

On September 18, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the Town of Hampton Tax Map 274 as Lot 53 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

DES personnel determined that filling of approximately 750 sq. ft. of tidal wetland took place on the property.

DES requests that you take the following action:

1. Retain a qualified wetland consultant to generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
2. Submit both the existing conditions plan, and a restoration plan no later than May 8, 2004 for review and approval including:
  - a. A plan with dimensions for the removal of approximately 750 sq. ft. of unpermitted fill in tidal wetland and regrading the disturbed areas to original contours;
  - b. Planting plan (tidal wetland species) for the stabilization of the removal areas;
  - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
  - d. Construction sequence and timetable for accomplishing remediation no later than July 8, 2004.
3. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
4. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

**NHDES Wetlands Complaint File #2003-15**

**March 9, 2004**

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator  
Wetlands Bureau  
Department of Environmental Services  
360 Corporate Drive  
Suite 2  
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,

  
Don Wiggan  
Coastal Supervisor  
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7003 1010 0003 3557 2722

cc: Rene Pelletier, Manager, Land Resources Management Program  
Mark Harbaugh, DES Legal Unit  
Kevin Shultz, Hampton Building Inspector  
Hampton Conservation Commission